

To: Benjamin A. Costa(trademark@rcjlawgroup.com)
Subject: U.S. Trademark Application Serial No. 97639152 - OPEN REFERRAL
Sent: February 10, 2024 12:39:32 PM EST
Sent As: tmng.notices@uspto.gov

Attachments

[OPEN DEF 1.jpg](#)
[OPEN DEF 2.jpg](#)
[REFERRAL DEF 1.jpg](#)
[REFER DEF 2.jpg](#)

United States Patent and Trademark Office (USPTO)
Office Action (Official Letter) About Applicant's Trademark Application

U.S. Application Serial No. 97639152

Mark: OPEN REFERRAL

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UNITED STATES

Applicant: Aspiration

Reference/Docket No. N/A

Correspondence Email Address: trademark@rcjlawgroup.com

NONFINAL OFFICE ACTION

Response deadline. File a response to this nonfinal Office action within three months of the “Issue date” below to avoid [abandonment](#) of the application. Review the Office action and respond using one of the links to the appropriate electronic forms in the “How to respond” section below.

Request an extension. For a fee, applicant may [request one three-month extension](#) of the response deadline prior to filing a response. The request must be filed within three months of the “Issue date” below. If the extension request is granted, the USPTO must receive applicant’s response to this letter within six months of the “Issue date” to avoid abandonment of the application.

Issue date: February 10, 2024

This Office action is in response to applicant’s communication filed on January 5, 2024.

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issues below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

Based on information and/or documentation in applicant's most recent response, the trademark examining attorney now issues a Section 2(e)(1) refusal and specimen refusals. *See* TMEP §§706, 711.03.

Further, the requirement to provide an acceptable identification of goods and services raised in the October 31, 2023, Office action is maintained.

Additionally, the requirement to provide information about applicant's goods and services has been satisfied. *See* TMEP §713.02.

SEARCH OF USPTO DATABASE OF MARKS

The trademark examining attorney has searched the USPTO database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). 15 U.S.C. §1052(d); TMEP §704.02.

SUMMARY OF ISSUES:

- Section 2(e)(1) Refusal - Merely Descriptive
 - Supplemental Register Advisory
- Specimen Refusal - Specimen Is Not An Acceptable Display For Downloadable Software - Class 9 Only
- Specimen Refusal - Specimen Does Not Show Use Of The Mark For The Applied-For Services - Class 35 Only
 - Specimen Refusal Response Options
- Identification of Goods and Services

SECTION 2(e)(1) REFUSAL - MERELY DESCRIPTIVE

Registration is refused because the applied-for mark merely describes a feature and characteristic of applicant's goods and/or services. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); *see* TMEP §§1209.01(b), 1209.03 *et seq.*

A mark is merely descriptive if it describes an ingredient, quality, characteristic, function, feature, purpose, or use of an applicant's goods and/or services. TMEP §1209.01(b); *see, e.g., In re TriVita, Inc.*, 783 F.3d 872, 874, 114 USPQ2d 1574, 1575 (Fed. Cir. 2015) (quoting *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004)); *In re Steelbuilding.com*, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005) (citing *Estate of P.D. Beckwith, Inc. v. Comm'r of Patents*, 252 U.S. 538, 543 (1920)).

The determination of whether a mark is merely descriptive is made in relation to an applicant's goods and/or services, not in the abstract. *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1254, 103 USPQ2d 1753, 1757 (Fed. Cir. 2012); *In re The Chamber of Commerce of the U.S.*, 675 F.3d 1297, 1300, 102 USPQ2d 1217, 1219 (Fed. Cir. 2012); TMEP §1209.01(b). "Whether

consumers could guess what the product [or service] is from consideration of the mark alone is not the test.” *In re Am. Greetings Corp.*, 226 USPQ 365, 366 (TTAB 1985).

In this case, the applied-for mark is "OPEN REFERRAL", for goods and/or services identified as:

CLASS 9: Downloadable software and application programming interface (API) software for structuring, searching, finding, exchanging, and sharing information about the goods and services of third parties; Downloadable software and application programming interface (API) software for structuring, searching, finding, exchanging, and sharing information about the healthcare, wellness, and supportive services for those in need, and social good services being services that promote human well-being on a large scale of third parties; Downloadable software and application programming interface (API) software for structuring, searching, finding, exchanging, and sharing information about the goods and services of government agencies and nonprofit organizations; Downloadable software and application programming interface (API) software for data management, data transformation, and data validation; Downloadable Human Services Data API protocols (HSDA), namely application programming interface (API) software for use in enabling platforms to provide standardized methods of read or read/write access to databases for exchange of information about organizations, services, and locations

CLASS 35: Business consulting services; Business consulting services, namely, providing business advice in the nature of assisting and advising third parties in building capacity for structuring, searching, finding, exchanging, and sharing information about the goods and services of third parties; Business consulting services, namely, providing business advice in the nature of assisting and advising third parties in building capacity for structuring, searching, finding, exchanging, and sharing information about healthcare, wellness, and supportive services for those in need, and social good services being services that promote human well-being on a large scale; Business consulting services, namely, providing business advice in the nature of assisting and advising third parties in building capacity for structuring, searching, finding, exchanging, and sharing information about the goods and services of government agencies and nonprofit organizations

CLASS 42: Developing and providing data standards to facilitate the access to and exchange of information for structuring, searching, finding, exchanging, and sharing information about the goods and services of third parties; Providing online non-downloadable computer software for accessing to and exchanging of information for structuring, searching, finding, exchanging, and sharing information about the goods and services of third; Offering technical support services to third parties, namely, assisting third parties in designing and maintaining databases systems for structuring, searching, finding, exchanging, and sharing information about the goods and services of third parties; Developing and providing data standards to facilitate the access to and exchange of information for structuring, searching, finding, exchanging, and sharing information about the health, human, and social goods and services of third parties; Developing for third parties and providing online non-downloadable computer software for facilitating the access to and exchange of information for structuring, searching, finding, exchanging, and sharing information about the health, human, and social goods and services of third parties; Offering technical support services to third parties, namely, assisting third parties in designing and maintaining databases systems for structuring, searching, finding, exchanging, and sharing information about the health, human, and social goods and services of third parties; Developing and providing data standards to facilitate the access to and exchange of information for structuring, searching, finding, exchanging, and sharing information about the goods and services of government agencies and nonprofit

organizations; Providing online non-downloadable computer software for accessing and exchanging of information for structuring, searching, finding, exchanging, and sharing information about the goods and services of government agencies and nonprofit organizations; Offering technical support services to third parties, namely, assisting third parties in designing and maintaining databases systems for structuring, searching, finding, exchanging, and sharing information about the goods and services of government agencies and nonprofit organizations; Development and provision of Human Services Data Specifications (HSDS) data standards and associated Human Services Data API protocols (HSDA), namely application programming interface (API) protocols for use in enabling platforms to provide standardized methods of read or and read/write access to databases for exchange of information about organizations, services, and locations; Application service provider featuring application programming interface (API) software for structuring, searching, finding, exchanging, and sharing information about the goods and services of third parties; Application service provider featuring application programming interface (API) software for structuring, searching, finding, exchanging, and sharing information about the healthcare, wellness, and supportive services for those in need, and social good services being services that promote human well-being on a large scale of third parties; Application service provider featuring application programming interface (API) software for structuring, searching, finding, exchanging, and sharing information about the goods and services of government agencies and nonprofit organizations; Application service provider featuring application programming interface (API) software for data management, data transformation, and data validation

Here, the attached evidence shows "OPEN" means "non proprietary: available to third party developers" and "REFERRAL" means "the act, action, or an instance of referring", where "REFER" means "to send or direct for treatment, aid, information, or decision". *See* attached evidence from Merriam-webster. Further, the specimen on page 1 states that applicant "develops...open source tools" and the specimen on page 9 states "[w]e develop data standards and open platforms that make it easy to share and find information about community resources".

Generally, if the individual components of a mark retain their descriptive meaning in relation to the goods and/or services, the combination results in a composite mark that is itself descriptive and not registrable. *In re Zuma Array Ltd.*, 2022 USPQ2d 736, at *7 (TTAB 2022); *In re Fat Boys Water Sports LLC*, 118 USPQ2d 1511, 1516 (TTAB 2016); TMEP §1209.03(d); *see, e.g., DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1255, 103 USPQ2d 1753, 1758 (Fed. Cir. 2012) (holding SNAP SIMPLY SAFER merely descriptive for various medical devices, such as hypodermic, aspiration, and injection needles and syringes); *In re Fallon*, 2020 USPQ2d 11249, at *12 (TTAB 2020) (holding THERMAL MATRIX merely descriptive of a heat-responsive, malleable liner that is an integral component of an oral dental appliance).

Only where the combination of descriptive terms creates a unitary mark with a unique, incongruous, or otherwise nondescriptive meaning in relation to the goods and/or services is the combined mark registrable. *See In re Omniome, Inc.*, 2020 USPQ2d 3222, at *4 (TTAB 2019) (citing *In re Colonial Stores, Inc.*, 394 F.2d 549, 551, 157 USPQ 382, 384 (C.C.P.A. 1968); *In re Shutts*, 217 USPQ 363, 364-65 (TTAB 1983)); *In re Positec Grp. Ltd.*, 108 USPQ2d 1161, 1162-63 (TTAB 2013).

In this case, both the individual components and the composite result are descriptive of applicant's goods and/or services and do not create a unique, incongruous, or nondescriptive meaning in relation to the goods and/or services. Specifically, "OPEN REFERRAL" merely describes a non-proprietary software for sending or directing consumers for treatment, aid, and information. Further, applicant

indicated in its September 28, 2023, Office action response that the wording "OPEN REFERRAL" has no unique meaning as a unitary term that would give a separate commercial impression from the combined descriptive elements. Therefore, the wording merely describes applicant's software goods and software development services, which includes use of the mark for the design and provision of open source software used for directing consumers toward information about the goods and services of third parties.

For the foregoing reasons, the mark is merely descriptive of applicant's goods and/or services, and registration must be refused.

SUPPLEMENTAL REGISTER ADVISORY

The applied-for mark has been refused registration on the Principal Register. Applicant may respond to the refusal by submitting evidence and arguments in support of registration and/or by amending the application to seek registration on the Supplemental Register. *See* 15 U.S.C. §1091(c); 37 C.F.R. §§2.47, 2.75(a); TMEP §§801.02(b), 816. Amending to the Supplemental Register does not preclude applicant from submitting evidence and arguments against the refusal(s). TMEP §816.04.

Applicant is advised that, if the application is amended to seek registration on the Principal Register under Trademark Act Section 2(f) or on the Supplemental Register, applicant will be required to disclaim "OPEN" because such wording appears to be generic in the context of applicant's goods and/or services. *See* 15 U.S.C. §1056(a); *In re Wella Corp.*, 565 F.2d 143, 144, 196 USPQ 7, 8 (C.C.P.A. 1977); *In re Creative Goldsmiths of Wash., Inc.*, 229 USPQ 766, 768 (TTAB 1986); TMEP §1213.03(b).

Applicant may submit a disclaimer in the following format:

No claim is made to the exclusive right to use "OPEN" apart from the mark as shown.

TMEP §1213.08(a)(i).

For an overview of disclaimers and instructions on how to provide one using the Trademark Electronic Application System (TEAS), see the [Disclaimer webpage](#).

Applicant should note the following additional ground for refusal.

SPECIMEN REFUSAL - SPECIMEN IS NOT AN ACCEPTABLE DISPLAY FOR DOWNLOADABLE SOFTWARE - CLASS 9 ONLY

Specimen is not an acceptable display for software. Registration is refused because the specimen in International Class 9 is not acceptable as a display associated with downloadable software and does not show the applied-for mark as actually used in commerce. Trademark Act Sections 1 and 45, 15 U.S.C. §§1051, 1127; 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a), (b)(1); TMEP §§904, 904.03(e), (g), 904.07(a). An application based on Trademark Act Section 1(a) must include a specimen showing the applied-for mark as actually used in commerce for each international class of goods identified in the application or amendment to allege use. 15 U.S.C. §1051(a)(1); 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a); TMEP §§904, 904.07(a).

A display specimen for downloadable software (1) must show use of the mark directly associated with

the goods and (2) such use must be of a point-of-sale nature. 37 C.F.R. §2.56(b)(1). To show use of a point-of-sale nature, a specimen generally must provide sufficient information to enable the user to download or purchase the software from a website. *See* TMEP §904.03(e) (citing *In re Azteca Sys., Inc.*, 102 USPQ2d 1955, 1957 (TTAB 2012)).

In this case, the specimen does not provide the means to enable the user to download or purchase the software from the website. *See In re Sones*, 590 F.3d 1282, 1286-89, 93 USPQ2d 1118, 1122-24 (Fed. Cir. 2009); *In re Azteca Sys., Inc.*, 102 USPQ2d at 1957; TMEP §904.03(e), (i). Specifically, applicant has provided webpage screenshots to show use of its mark in commerce for the applied-for goods. However, the specimens do not show a means to purchase or download software. As such, the specimens do not show use of the mark for the applied-for goods in commerce.

Accordingly, such material is mere advertising, which is not acceptable as a specimen for goods. *See In re Yarnell Ice Cream, LLC*, 2019 USPQ2d 265039, at *15-16 (TTAB 2019) (quoting *In re Siny Corp.*, 920 F.3d 1331, 1336, 2019 USPQ2d 127099, at *2-3 (Fed. Cir. 2019)); *see also Avakoff v. S. Pac. Co.*, 765 F.2d 1097, 1098, 226 USPQ 435, 436 (Fed. Cir. 1985); TMEP §904.04(b), (c).

Examples of specimens. Specimens for downloadable software include instruction manuals or screen printouts from (1) webpages showing (a) the mark associated with the software and (b) ordering or purchasing information or information sufficient to download the software, (2) the actual program while running that shows the mark in the title bar, or (3) launch screens that show the mark in an introductory message box that appears after opening the program. *See* TMEP §904.03(e), (i), (j). Any webpage printout or screenshot submitted as a specimen must include the webpage's URL and the date it was accessed or printed on the specimen itself, within the TEAS form that submits the specimen, or in a verified statement under 37 C.F.R. §2.20 or 28 U.S.C. §1746 in a later-filed response. *See* 37 C.F.R. §2.56(c); TMEP §§904.03(i), 1301.04(a).

Applicant should note the following additional ground for refusal.

SPECIMEN REFUSAL - SPECIMEN DOES NOT SHOW USE OF THE MARK FOR THE APPLIED-FOR SERVICES - CLASS 35 ONLY

Specimen does not show use in specific class(es). Registration is refused because the specimen does not show the applied-for mark as actually used in commerce in connection with any of the goods and/or services specified in International Class 35. Trademark Act Sections 1 and 45, 15 U.S.C. §§1051, 1127; 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a); *In re Keep A Breast Found.*, 123 USPQ2d 1869, 1876-79 (TTAB 2017); TMEP §§904, 904.07(a), 1301.04(d), (g)(i). An application based on Trademark Act Section 1(a) must include a specimen showing the applied-for mark as actually used in commerce for each international class of goods and/or services identified in the application or amendment to allege use. 15 U.S.C. §1051(a)(1); 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a); TMEP §§904, 904.07(a); *see In re Gulf Coast Nutritionals, Inc.*, 106 USPQ2d 1243, 1247 (TTAB 2013).

Specifically, applicant has provided webpages screenshots to show use of its mark in commerce. However, the specimens show use of the mark for software development services, a blog, and an online repository for API protocols. Applicant has not provided specimens showing use of its mark for consulting services. As such, the specimens do not show use of the mark for the applied-for services in class 35.

Examples of specimens. Specimens for services must show a direct association between the mark and

the services and include: (1) copies of advertising and marketing material, (2) a photograph of business signage or billboards, or (3) materials showing the mark in the sale, rendering, or advertising of the services. *See* 37 C.F.R. §2.56(b)(2), (c); TMEP §1301.04(a), (h)(iv)(C).

Any webpage printout or screenshot submitted as a specimen must include the webpage's URL and the date it was accessed or printed on the specimen itself, within the TEAS form that submits the specimen, or in a verified statement under 37 C.F.R. §2.20 or 28 U.S.C. §1746 in a later-filed response. *See* 37 C.F.R. §2.56(c); TMEP §§904.03(i), 1301.04(a).

SPECIMEN REFUSAL RESPONSE OPTIONS

Applicant may respond to this refusal by satisfying one of the following for each applicable international class:

- (1) Submit a different specimen (a verified [“substitute” specimen](#)) that (a) was in actual use in commerce at least as early as the filing date of the application or prior to the filing of an amendment to allege use and (b) shows the mark in actual use in commerce for the goods and/or services identified in the application or amendment to allege use. A “verified substitute specimen” is a specimen that is accompanied by the following statement made in a signed affidavit or supported by a declaration under 37 C.F.R. §2.20: “The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application or prior to the filing of the amendment to allege use.” The substitute specimen cannot be accepted without this statement.
- (2) Amend the filing basis to [intent to use under Section 1\(b\)](#) (which includes withdrawing an amendment to allege use, if one was filed), as no specimen is required before publication. This option will later necessitate additional fee(s) and filing requirements, including a specimen.

For an overview of the response options referenced above and instructions on how to satisfy these options using the online Trademark Electronic Application System (TEAS) form, see the [Specimen webpage](#).

Although applicant's mark has been refused registration, applicant may respond to the refusals by submitting evidence and arguments in support of registration. However, if applicant responds to the refusals, applicant must also respond to the requirement set forth below.

IDENTIFICATION OF GOODS AND SERVICES

For the reasons set forth below, the identification of goods and services needs clarification because it is, in part, indefinite and/or beyond the scope of the class or identification as filed. TMEP §1402.01. The portion of the identification that is unacceptable is struck through below with explanations and/or suggestions in bold and brackets.

For example, the identification of services is indefinite and must be clarified because "developing and providing data standards" does not identify an acceptable service. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01. Identifications must be clear, specific, and definite, and use verbiage that is generally understood by the average U.S. consumers. *See, e.g., See* TMEP §§1402.01, 1402.03(g).

In addition, applicant's response indicates that "Human Services Data API Suites (HSDAs)" are the name of applicant's products, which are a version of applicant's "Human Service Data Specifications v.3.0". An applicant should not use its own registered or unregistered mark in an identification of goods and/or services. TMEP §1402.09. Identifications of goods and/or services should generally be comprised of generic everyday wording for the goods and/or services, and exclude proprietary or potentially-proprietary wording, such as a registered term. *See* TMEP §§1402.01, 1402.09. The misspelling or phonetic equivalent of a registered mark should similarly be excluded, unless it is the common name of the goods and/or services. TMEP §1402.09.

Applicant may adopt the following identification, if accurate:

CLASS 9: Downloadable software and application programming interface (API) software for structuring, searching, finding, exchanging, and sharing information about the goods and services of third parties; Downloadable software and application programming interface (API) software for structuring, searching, finding, exchanging, and sharing information about the healthcare, wellness, and supportive services for those in need, and social good services being services that promote human well-being on a large scale of third parties; Downloadable software and application programming interface (API) software for structuring, searching, finding, exchanging, and sharing information about the goods and services of government agencies and nonprofit organizations; Downloadable software and application programming interface (API) software for data management, data transformation, and data validation; Downloadable ~~Human Services Data API protocols (HSDA)~~, namely application programming interface (API) software for use in enabling platforms to provide standardized methods of read or read/write access to databases for exchange of information about organizations, services, and locations

CLASS 42: **Developing and establishing the standardization of data within the healthcare and social science industries, in order to facilitate the access and exchange of relevant information, including the searching, finding, and sharing of information about goods and services of third parties within these industries; Developing and establishing the specification of standards that describe data within the healthcare and social science industries, in order to facilitate the access and exchange of relevant information, including the searching, finding, and sharing of information about goods and services of third parties within these industries; Developing and providing data standards to facilitate the access to and exchange of information for structuring, searching, finding, exchanging, and sharing information about the goods and services of third parties; Providing online non-downloadable computer software for accessing to and exchanging of information for structuring, searching, finding, exchanging, and sharing information about the goods and services of third parties; Offering technical support services to third parties, namely, assisting third parties in designing and maintaining databases systems for structuring, searching, finding, exchanging, and sharing information about the goods and services of third parties; Developing and providing data standards to facilitate the access to and exchange of information for structuring, searching, finding, exchanging, and sharing information about the health, human, and social goods and services of third parties; Developing for third parties and providing online non-downloadable computer software for facilitating the access to and exchange of information for structuring, searching, finding, exchanging, and sharing information about the health, human, and social goods and services of third parties; computer software development; Offering technical support services to third parties, namely, assisting third parties in designing and maintaining databases systems for structuring, searching, finding, exchanging, and sharing information about the health, human, and social goods and services of third parties; Developing and providing data**

~~standards to facilitate the access to and exchange of information for structuring, searching, finding, exchanging, and sharing information about the goods and services of government agencies and nonprofit organizations; Providing online non-downloadable computer software for accessing and exchanging of information for structuring, searching, finding, exchanging, and sharing information about the goods and services of government agencies and nonprofit organizations; Offering technical support services to third parties, namely, assisting third parties in designing and maintaining database systems for structuring, searching, finding, exchanging, and sharing information about the goods and services of government agencies and nonprofit organizations; Development and provision of Human Services Data Specifications (HSDS) data standards and associated Human Services Data API protocols (HSDA), namely application programming interface (API) protocols~~ **software** for use in enabling platforms to provide standardized methods of read or read/write access to databases for exchange of information about organizations, services, and locations; Application service provider featuring application programming interface (API) software for structuring, searching, finding, exchanging, and sharing information about the goods and services of third parties; Application service provider featuring application programming interface (API) software for structuring, searching, finding, exchanging, and sharing information about the healthcare, wellness, and supportive services for those in need, and social good services being services that promote human well-being on a large scale of third parties; Application service provider featuring application programming interface (API) software for structuring, searching, finding, exchanging, and sharing information about the goods and services of government agencies and nonprofit organizations; Application service provider featuring application programming interface (API) software for data management, data transformation, and data validation

Class 35 is acceptable as written.

Applicant's goods and/or services may be clarified or limited, but may not be expanded beyond those originally itemized in the application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Applicant may clarify or limit the identification by inserting qualifying language or deleting items to result in a more specific identification; however, applicant may not substitute different goods and/or services or add goods and/or services not found or encompassed by those in the original application or as acceptably amended. *See* TMEP §1402.06(a)-(b). The scope of the goods and/or services sets the outer limit for any changes to the identification and is generally determined by the ordinary meaning of the wording in the identification. TMEP §§1402.06(b), 1402.07(a)-(b). Any acceptable changes to the goods and/or services will further limit scope, and once goods and/or services are deleted, they are not permitted to be reinserted. TMEP §1402.07(e).

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable [*U.S. Acceptable Identification of Goods and Services Manual*](#). *See* TMEP §1402.04.

RESPONSE GUIDELINES

Please call or email the assigned trademark examining attorney with questions about this Office action. Although an examining attorney cannot provide legal advice, the examining attorney can provide additional explanation about the refusal(s) and/or requirement(s) in this Office action. *See* TMEP §§705.02, 709.06.

The USPTO does not accept emails as responses to Office actions; however, emails can be used for

informal communications and are included in the application record. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.

How to respond. File a [response form to this nonfinal Office action](#) or file a [request form for an extension of time to file a response](#).

/Jacob Magit/
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RESPONSE GUIDANCE

- **Missing the deadline for responding to this letter will cause the application to [abandon](#).** A response or extension request must be received by the USPTO before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Trademark Electronic Application System (TEAS) [system availability](#) could affect an applicant's ability to timely respond. For help resolving technical issues with TEAS, email TEAS@uspto.gov.
- **[Responses signed by an unauthorized party](#) are not accepted and can cause the application to [abandon](#).** If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with [legal authority to bind a juristic applicant](#). If applicant has an attorney, the response must be signed by the attorney.
- If needed, **find [contact information for the supervisor](#)** of the office or unit listed in the signature block.

4 a : not covered with a top, roof, or lid

Open Definition & Meaning - i

merriam-webster.com/dictionary/open

☆

Merriam-Webster

Dictionary

Thesaurus

open

Games & Quizzes

Word of the Day

Grammar

Wordplay

Word Finder

More

Dictionary

Definition

adjective

verb

noun

Synonyms

Synonym Chooser

Example Sentences

Word History

Phrases Containing

Entries Near

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c : not finally decided : subject to further consideration

the salary is *open*

an *open* question

d : available for a qualified applicant : **VACANT**

the job is still *open*

e : remaining available for use or filling until canceled

an *open* order for more items

f : available for future purchase

these items are in *open* stock

g : available for breeding : not now pregnant

an *open* heifer

h computers : not proprietary : available to third party developers

But while IBM pushes Notes, a proprietary technology created in the 1980s, a raft of new and much smaller rivals is plying the "*open*" technology of the 1990s: software on the World Wide Web, the fastest growing part of the Internet.

—Bart Ziegler

→ compare **OPEN-SOURCE**

11 a : characterized by ready accessibility and usually generous attitude: such as

(1) : generous in giving

(2) : willing to hear and consider or to accept and deal with : **RESPONSIVE**

open to an offer

open to suggestion

(3) : free from reserve or pretense : **FRANK**

was *open* about his personal life

(4) of a relationship : not restricted to one partner at a time by mutual agreement

→ see also **OPEN MARRIAGE**

b : accessible to the influx of new factors (such as foreign goods)

YOU CAN EXPERIENCE ITALY! AT SEA!

BOOK NOW

CHOOSE FUN Carnival

Waiting for s02.mdn.net...

5:06:42 PM 2/9/2024

Referral Definition & Meaning

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referral

Games & QuizzesWord of the DayGrammarWordplayWord FinderMore

Dictionary

Definition

Example Sentences

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Save Word

referral

re·fer·ral

1: the act, action, or an instance of referring

gave the patient a referral to a specialist

2: one that is referred

Examples of referral in a Sentence

Recent Examples on the Web

The collaborative will focus on intervention, outreach, counseling services, mentoring, workforce education, community partnerships, and referrals for basic needs.

—Kamal Morgan, Fort Worth Star-Telegram, 1 Feb. 2024

The Royal Free Hospital receives about 50,000 cancer referrals annually, and Maggie's endeavors to complement any treatments.

—Janine Henni, Peoplemag, 31 Jan. 2024

Quordle

W O R D Y

L O V E R

P L A Y S

D A I L Y

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refer

verb

re·fer (ri-'fer)

referred; referring

Synonyms of refer

transitive verb

1 a (1) : to think of, regard, or classify within a general category or group

(2) : to explain in terms of a general cause

b : to allot to a particular place, stage, or period

c : to regard as coming from or located in a specific area

2 a : to send or direct for treatment, aid, information, or decision

refer a patient to a specialist

refer a bill back to a committee

b : to direct for testimony or guaranty as to character or ability

intransitive verb

1 a : to have relation or connection : RELATE

b : to direct attention usually by clear and specific mention

no one referred to yesterday's quarrel

2 : to have recourse : glance briefly

referred frequently to his notes while speaking

referable (re-'f(a)-ra-b(a)l) (ri-'f(a)-a-) adjective

referable

refer

Quordle

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L O V E R

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USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on February 10, 2024 for
U.S. Trademark Application Serial No. 97639152

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You must respond to this Office action to avoid your application abandoning. Follow the steps below.

- (1) **[Read the Office action](#)**. This email is NOT the Office action.
- (2) **Respond to the Office action by the deadline** using the Trademark Electronic Application System (TEAS). Your response, or extension request, must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Otherwise, your application will be [abandoned](#). See the Office action itself regarding how to respond.
- (3) **Direct general questions** about using USPTO electronic forms, the USPTO [website](#), the application process, the status of your application, and whether there are outstanding deadlines to the [Trademark Assistance Center \(TAC\)](#).

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GENERAL GUIDANCE

- **[Check the status](#) of your application periodically** in the [Trademark Status & Document Retrieval \(TSDR\)](#) database to avoid missing critical deadlines.
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